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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,577	01/05/2004	Darren Holland	95178086-000002	3088

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PATENT, COPYRIGHT & TRADEMARK LAW GROUP  
PO BOX 506  
RICHFIELD, OH 44286

EXAMINER
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ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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03/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,577	<b>Applicant(s)</b> HOLLAND, DARREN	
	<b>Examiner</b> OLUWASEUN A. ADEGEYE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/05/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/05/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 01/07/2007 have been fully considered but they are not persuasive.

In re pages 5 – 6, applicants argue with respect to claims 1 – 8 that US 6,462,753 does not teach a digital to analog conversion means that converts the digital audio/video signal that was recorded by a dubbing system to an output analog audio/video signal, as in the claimed invention.

In response the examiner respectfully disagrees. Koyata et al (US 6,462,753 B1) discloses a digital to analog conversion means (29) that converts the digital audio/video signal that was recorded by a dubbing system to an output analog audio/video signal (see column 7, lines 3 – 6). Koyata also discloses in column 5, lines 15 – 20 that the present invention not only applies to audio apparatuses but also to video apparatuses.

From the passage above it is clear that Koyata discloses D/A audio/video converter.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 2, 4, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyata et al (US 6, 462, 753 B1).

As to **claim 1**, Koyata discloses an audio component with an integrated digital recording and storage media, said audio component comprising:

means for receiving (44) an input audio signal generated by a stereo system audio component wherein an analog to digital conversion means (45) receives an input analog audio signal and converts said input analog audio signal to a digital audio signal (see column 8, lines 43 – 46);

digital storage means (41) for recording and storing said digital audio signal (see column 8, lines 54 – 58) , said digital storage means having a large capacity (see column 6, lines 8 – 12) with re-write capabilities(magnetic optical discs are capable of writing and rewriting data) and being permanent in nature;

a controller (1) having a microprocessor (62) in combination with both random access memory means (63) and non-volatile read-only memory means (64) (see column 9, lines 44 – 49)

said controller performing a variety of pre-programmed routines (see column 9, lines 50 – 51) and controlling the storage and retrieval of the recorded digital audio signals stored on said storage means (see column 4, lines 56 – 65 and column 10, line 54 – column 11, line 9 );

user interface (GUI) means (66) whereby one can monitor and manipulate the operation of said controller (see column 9, lines 52 – 59); and

digital to analog conversion means (29) wherein the said recorded digital audio signals are converted to an output analog audio signal (see column 7, lines 3 – 8) capable of amplification (amplifier (8)) by audio components whereby said output analog audio signals are broadcast via loudspeakers (see column 5, lines 11 – 14) ;

wherein said audio component is used in combination with stereo equipment to allow for the selective recording and playback of a combination of audio tracks (see column 1, lines 37 – 39).

As to **claim 6**, this claim differs from claim 1 only in that claim 1 has to do with audio recording whereas claim 6 has to do with video recording. Koyata discloses a DVD and video recording (see column 5, lines 15 – 20 and column 16, lines 28 – 34).

As to **claim 2**, Koyata discloses the audio component of Claim 1, wherein said digital storage means is selected from the group comprising: optical storage device; magnetic storage devices (41); solid state storage devices; video storage devices (DVD); and electronic storage devices (see column 8, lines 56 – 58 and column 16, lines 28 – 32).

As to **claim 4**, Koyata discloses the audio component of claim 1, wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional receiver and player for portable personal use (column 6, lines 36 – 38 discloses a mini disc recorder which can be a portable device. Column 1, line 17 – 24 also discloses a mini disc player).

As to **claim 8**, grounds for rejecting claim 4 apply to claim 8 in its entirety.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyata et al in view of Kimura (US 6,021,308).

As to **claim 3**, Koyata discloses the audio component of Claim 1 but does not disclose wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional receiver and player for use with a transportation vehicle.

Kimura discloses a CD changer, a receiver, a compact disc player and a display unit in an automobile (see column 7, lines 24 – 26 and column 7, lines 39 – 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a conventional receiver and a player for use with a transportation vehicle taught by Kimura to the device of Koyata to improve the reliability in the data transmission in the broadcast communication.

As to **claim 7**, grounds for rejecting claim 3 apply to claim 7 in its entirety.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koyata et al in view of Mino et al (US 6,077,084).

As to **claim 5**, Koyata discloses the audio component of Claim 1 but does not disclose wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke.

Mino discloses wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke (see column 6, lines 32 – 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the design into a karaoke machine taught by Mino to the device of Koyata to provide a karaoke system with high quality that can perform distribution or delivery of new music without delay (see column 4, lines 1 – 9).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,995,709 discloses a video disc player.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/26/2008

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/O.A/